

**PINE TREE LEGAL ASSISTANCE, INC.**

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July 27, 2001

Leonard J. Koczur  
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 Legal Services Corporation  
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 Washington, D.C. 20002-4250

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Re: Comments on Draft Report of OIG Audit  
 of Pine Tree Legal Assistance, Grantee No. 120000

Dear Mr. Koczur:

I am responding to the Draft Report on the results of the audit of Pine Tree Legal Assistance by your office in June of this year. We are pleased that the Report confirmed Pine Tree's compliance with 45 CFR 1610, the program integrity requirement that was the focus of this audit report.

I found only one error in the draft Report, at page 2, which suggests that Pine Tree "reported 25 cases" pursuant to 45 CFR 1644 for calendar year 2000. In fact, the two semi-annual reports filed with LSC for 2000 document that Pine Tree staff reported 68 cases during the year. I am willing to provide additional copies of those semi-annual reports to your staff, if that would be helpful to this point of clarification.

- (1) Compliance with 45 CFR 1635: Your report notes the need for a follow-up tracking system to insure that all part-time advocates acknowledge whether they are also employed by an organization that engages in restricted activities and that they provide certifications when requested.

As the draft Report notes, Pine Tree's Administrative staff have consistently requested information of its part-time advocates regarding their outside employment and have spoken with all part-time staff to identify those part-time advocates who also work for other employers; however, part-time advocates **without** other employment have not consistently responded to the periodic requests for information. Consistent with your staff recommendation, the Fiscal Manager has instituted a new tracking system that identifies all of the part-time advocates at Pine Tree and monitors their response to the requests for information that our office has consistently issued. The new system allows us to identify individuals who have not yet responded in order to secure a response in a timely manner.

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(2) Compliance with 45 CFR 1644: Your report recommended adoption of a formal written policy to implement the case reporting requirements of this regulation. It also recommended that Pine Tree “formally remind” its attorneys of their responsibilities for reporting case disclosure information.

A copy of the new program policy, adopted by our Board of Directors at a regularly scheduled Board meeting on July 18, 2001 in response to this recommendation, is enclosed.

Your report also recommended the need to “formally remind” Pine Tree attorneys of their responsibilities for case disclosure information. I circulated an email to all staff following the OIG audit to remind them of this compliance issue and subsequently reviewed the requirement with all staff at our program wide retreat on June 19.<sup>th</sup> Our managers have also held individual discussions with staff attorneys funded by non-LSC grants since 6 of the 7 unreported cases were handled by special family law fellowship attorneys who were less appreciative of this requirement.

Very truly yours,

A handwritten signature in dark ink, consisting of a large, stylized 'N' followed by a long horizontal stroke.

Nan Heald  
Executive Director

cc: PTLA Board President

## **Pine Tree Legal Assistance Policy on Compliance with 45 CFR 1644**

All attorneys employed at Pine Tree Legal Assistance will provide the Administrative Office with the necessary case disclosure information required under 45 CFR 1644. This information will be provided for the following cases, regardless of the funding source used to support the work:

- (1) To actions filed on behalf of plaintiffs or petitioners who are clients of Pine Tree Legal Assistance ~~a recipient~~;
- (2) Only to the original filing of a case, except for appeals filed in appellate courts if Pine Tree Legal Assistance ~~the recipient~~ was not the attorney of record in the case below and the ~~recipient's~~ Pine Tree client is the appellant;
- (3) To a request filed on behalf of a client of the recipient in a court of competent jurisdiction for judicial review of an administrative action; and
- (4) To cases filed pursuant to subgrants under 45 CFR part 1627 for the direct representation of eligible clients, except for subgrants for private attorney involvement activities under part 1614 of this chapter.

In order to meet the program's obligation to provide this information in a timely manner to the Legal Services Corporation, the administrative office should receive a timely copy of all Civil Summary Sheets filed in connection with these cases under Rule 5((h) of the Maine Rules of Civil Procedure or the comparable federal Rule, which also includes the Court Docket Number assigned to the case. However, if this is not practical at the time, Pine Tree attorneys should promptly forward all such copies (together with information about any other case that appropriately falls within the scope of the case disclosure requirement) when requested to do so by the administrative staff of Pine Tree.